

REMARKS

Claims 1-8, 32-41, and 43-48 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests the Office's rejections be withdrawn and the application be forwarded to issuance.

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Interview Attempt

Applicant's attorney attempted to schedule an interview for this application on July 19, 2007. Applicant submitted an interview request form along with an interview addendum. Applicant, however, was unsuccessful in scheduling the interview. In the interest of advancing prosecution, Applicant has prepared and submitted this response. Applicant believes that an interview with the examiner would greatly help to advance prosecution. Therefore, Applicant respectfully requests that the examiner contact the undersigned representative to schedule an interview once this response is received and reviewed.

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Rejections under § 112

Claims 8 and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Specifically, in making out this rejection, the Office cites to the previous office action dated 1/25/2007 and essentially makes the same arguments. In that office action, the Office states, with respect to claim 8, that it is unclear how an apparatus may constitute a step in a method. The Office further states that if claim 8 were independent, then it is vague and indefinite since it recites performing the method of claim 1, but does not list any of the limitations of claim 1. With respect to claim 37, the Office essentially cites to the same reasons.

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With respect to claim 1, such claim recites a method for providing audio and lyrical data to a user. Claim 8, a dependent claim, recites "one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1". Accordingly, this claim

simply recites a different statutory class of subject matter that is associated with the subject matter of claim 1. More specifically, this claim recites a computer program and that is contained on one or more computer-readable memories. The computer program is executable by a processor to perform the method of claim 1.

5 Applicant respectfully submits that there is nothing in appropriate about the form of claim 8. Applicant also submits that the Patent Office has issued numerous patents that contain dependent claims that are the same as or similar to claim 8.

Accordingly, for at least these reasons, the rejections of claims 8 and 37 are traversed.

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Rejections under § 102

Claims 1-8, 32-41, and 43-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0052740 to Charlesworth et al. ("Charlesworth").

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Claim 1 recites a method for providing audio and lyrical data to a user comprising [emphasis added]:

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- receiving a user request to play an audio file;
- identifying, based on the user request, a preferred language and a preferred sublanguage *for displaying a lyric set* associated with the audio file;
- automatically searching a list of *lyric sets* associated with the audio file to determine whether the *lyric set is available in the preferred language and the preferred sublanguage*;
- automatically *selecting an alternate lyric set* to be displayed based on a *hierarchical list of language priorities* provided by a lyric synchronization module when the automatic searching indicates that the lyric set is unavailable in the preferred sublanguage, the automatic selecting performed without user assistance;
- playing the audio file and displaying the alternate lyric set; and
- providing a lyric editor that allows the user to add lyrics to an audio file and edit existing lyrics of the audio file.

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In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Charlesworth. Specifically, the Office cites to various paragraphs of Charlesworth including paragraphs 0001-0008, 0035, 0062-0066 and figure 6a. For the reasons set forth below, Applicant respectfully traverses the
5 Office's rejections.

Charlesworth discloses a database annotation and retrieval system. Charlesworth instructs that a data structure is provided for communicating data files within a database. Annotation data comprises phoneme and word lattice which allows efficient searching of data files responsive to a user's input query.
10 Charlesworth instructs that the annotation data can be received by voice and can be used for annotating various kinds of data files, such as audio data files, video data files, multimedia data files and the like.

Paragraphs 0001-0008 simply describe a summary of Charlesworth's subject matter. Such description is no more extensive than the one given just
15 above. Paragraph 0035 simply describes a block diagram that illustrates a way in which annotation data for an input data file is generated.

Paragraphs 0062-0066 describe a process entitled "data file retrieval". According to Charlesworth, a user terminal can be used to retrieve annotation data files in a database. A speech recognition unit is operable to process an input voice
20 from a user received via a microphone to generate data such as phoneme and word data. This data is then input to a control unit to initiate a search of the database using a search engine. The results of the search are then transmitted back to the control unit which analyzes the results and displays the data for a user. Further in this section, a description of how the user operates a user terminal is provided.
25 This section simply describes how an input query can be entered by the user.

Perhaps one of the biggest deficiencies in Charlesworth is that it fails to mention or even suggest a "lyric set" as used in this claim and defined in the specification. Charlesworth does describe the notion that a user can speak words that are then utilized as annotation data for a data file. However, there is no

mention whatsoever of a lyric set as used in this claim. Second, there being no mention of a lyric set, it is virtually impossible for Charlesworth to disclose the notion of identifying a preferred language and sublanguage for displaying such a nonexistent lyric set. As the remainder of claim 1 builds upon the notion of a "lyric set", and insofar as Charlesworth is devoid of any mention of a lyric set, it is virtually impossible for Charlesworth to anticipate or even remotely suggest the subject matter of claim 1. Accordingly, for at least these reasons, claim 1 is allowable.

Claims 2-8 are allowable as depending from an allowable base claim.

Claim 32 recites a method for providing audio and lyrical data to a user comprising [emphasis added]:

- receiving a user request to play an audio file;
- identifying, based on the user request, a *preferred language for displaying lyrics*;
- identifying *an alternate language for displaying the lyrics* based on *a hierarchical list of language priorities* when the lyric set is unavailable in the preferred language, the identifying the alternate language performed automatically and without user assistance;
- playing the audio file and *displaying associated lyric data in the preferred language if lyric data is available in the preferred language*;
- playing the audio file and displaying associated lyric data *in the alternate language if lyric data is not available in the preferred language*;
- providing a lyric editor that allows the user to add lyrics to an audio file and edit existing lyrics of the audio file.

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Charlesworth. Applicant respectfully disagrees. As pointed out above, Charlesworth does not disclose or suggest a method that identifies a preferred language for displaying lyrics and identifying an alternate language for displaying lyrics based on a hierarchical list of language priorities.

Accordingly, for at least this reason, claim 32 is not anticipated by Charlesworth. Further, this claim recites playing the audio file and displaying associated lyric data in the preferred language if the lyric data is available in the preferred language, and playing the audio file and displaying associated lyric data in the alternate language if lyric data is not available in the preferred language. Charlesworth is simply devoid of any discussion of lyric data and, more importantly, displaying such lyric data in a preferred and alternate language. Accordingly, for at least this additional reason, this claim is allowable.

Claims 33-37 are allowable as depending from an allowable base claim.

Claim 38 recites an apparatus for providing audio and lyrical data to a user comprising [emphasis added]:

- an audio player to play an audio file;
- a *language selection module* to automatically *search a list of lyric sets* associated with the audio file to determine whether a lyric set is available in a *preferred language*, and to automatically identify *an alternate lyric set to be displayed based on a hierarchical list of language priorities when the search by the language selection module indicates that the lyric set is unavailable in the preferred language*, the automatic searching and automatic identifying performed without user assistance;
- a lyric display module coupled to the audio player and the language selection module, the lyric display module *to identify the alternate lyric set associated with the audio file*, wherein the lyric display module displays the identified alternate lyric set synchronously with playing of the audio file; and
- a lyric editor that allows the user to add lyrics to an audio file and edit existing lyrics of the audio file.

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Charlesworth. Applicant respectfully disagrees. Specifically, as pointed out above, Charlesworth is completely devoid of any discussion of a "lyric set". This being the case, it is virtually impossible for

Charlesworth to disclose or suggest a language selection module, a lyric display module, and/or a lyric editor that work in conjunction with any such lyric set. Accordingly, for at least this reason, this claim is allowable.

Claims 39-41 are allowable as depending from an allowable base claim.

5 **Claim 43** recites an apparatus for providing audio and lyrical data to a user comprising [emphasis added]:

- means for identifying an audio file to play based on a user request;
- 10 • means for *identifying a plurality of lyric segments* associated with the audio file, wherein each lyric segment has an associated time code, and wherein the time codes identify periods of time during playback of the audio file;
- 15 • means for *identifying a preferred language and a preferred sublanguage for displaying lyrics*, wherein the preferred sublanguage *identifies a country/region dialect of the preferred language, wherein an alternate language is automatically selected without user assistance if lyric segments are not available in the preferred language and sublanguage*;
- 20 • means for playing the audio file and displaying a lyric segment that corresponds to the current time code; and
- means for allowing the user to add lyrics to an audio file and edit existing lyrics of the audio file.

25 In making out the rejection of his claim, the Office argues that its subject matter is anticipated by Charlesworth. Applicant respectfully disagrees. First, Charlesworth is completely devoid of any mention of identifying a plurality of lyric segments associated with an audio file. This being the case, it is virtually impossible for Charlesworth to disclose or suggest that each lyric segment has an associated time code, and where the time codes identify periods of time during
30 playback of the audio file. Accordingly, for least this reason this claim is allowable. Further, because Charlesworth does not disclose or suggest lyric segments as used in this claim, it is virtually impossible for Charlesworth to disclose or suggest identifying a preferred language and a preferred sub language

for displaying lyrics. Accordingly, for least this reason this claim is allowable. Moreover, because Charlesworth neither discloses nor suggests the subject matter mentioned just above, it is virtually impossible for Charlesworth to disclose or suggest the remaining subject matter of this claim. Accordingly, for this
5 additional reason, this claim is allowable.

Claims 44-45 are allowable as depending from an allowable base claim.

Claim 46 recites one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to [emphasis added]:

- 10 • receive a user request to play an audio file;
- ***identify a preferred language and a preferred sublanguage that identifies a country/region dialect of the preferred language in which to display lyrics associated with the audio file***, wherein an alternate language is automatically identified without user assistance if lyric segments are not available in the preferred language and sublanguage;
- 15 • ***identify a plurality of lyric segments associated with the audio file***, wherein each lyric segment has an associated time code, and wherein each time code identifies a time during playback of the audio file that a corresponding lyric segment is displayed;
- 20 • play the audio file and display the appropriate lyric segments as the audio file is played; and
- 25 • provide a lyric editor that allows the user to add lyrics to an audio file and edit existing lyrics of the audio file.

In making out the rejection of his claim, the Office argues that its subject matter is anticipated by Charlesworth. Applicant respectfully disagrees. As pointed out above, Charlesworth neither discloses nor suggests identifying a
30 preferred language and a preferred sub language that identifies a country/region dialect of the preferred language in which to display lyrics associated with an audio file. Further, Charlesworth neither discloses nor suggests identifying a plurality of lyric segments associated with an audio file and then playing the audio

file and displaying appropriate lyric segments as audio file is played. Charlesworth is simply devoid of any discussion of the subject matter. Accordingly, for at least these reasons, this claim is allowable.

Claims 47-48 are allowable as depending from an allowable base claim.

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Conclusion

Applicant has made a sincere attempt to fully address all of the Office's rejections. Applicant respectfully believes that the rejections over Charlesworth have been overcome and the Charlesworth is not relevant to the subject matter claimed in this application. Applicant attempted to schedule and interview with the examiner to meaningfully advance prosecution. Unfortunately, the interview was never able to be conducted. Applicant respectfully submits that all of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant intends to appeal this case. **Applicant respectfully urges the examiner to call the undersigned representative to discuss this application and to meaningfully advance prosecution.**

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Respectfully Submitted,

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